

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

February 21, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, February 21, 2002, at 1:00 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Ron Marnell; Don Anderson; Bill Johnson; Dorman Blake; Harold Warner; Elizabeth Bishop; Frank Garofalo; Ray Warren; Kerry Coulter; James Barfield. David Wells and John McKay, Jr. (absent). Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jamsheed Mehta, Chief Planner, Transportation Planning and Rose Simmering, Recording Secretary.

1. Approval of the MAPC minutes for January 24, 2002 and February 7, 2002.

MOTION: Approve as amended.

HENTZEN moved, **MARNELL** seconded the motion, and it carried (9-0).

OPENING STATEMENT

- 2a. ZON2001-00071** – Lawrence Edward & Winifred Mary Albert, Trustees, Lawrence Edward Albert Trust and Winifred Mary Albert Trust (owners); Austin Miller, Inc., c/o Kim Edgington (agent) request a Zone Change from “SF-20” Single-Family Residential to “LC” Limited Commercial, “GC” General Commercial, and “SF-5” Single-Family Residential and;
- 2b. CUP2001-00044 DP-257** - Lawrence Edward & Winifred Mary Albert, Trustees, Lawrence Edward Albert Trust and Winifred Mary Albert Trust (owners); Austin Miller, Inc., c/o Kim Edgington (agent) request the creation of Albert Farms C.U.P. on property described as:

The Northwest Quarter of the Northwest Quarter of Section 23, Township 27 South, Range 2 West of the 6th P.M. Sedgwick County, Kansas. Generally located on the southeast corner of Central and 151st Street West.

BACKGROUND: The applicant is requesting the creation of a Community Unit Plan on a 17.8-acre tract located on the southeast corner of 151st Street West and Central Avenue. The proposed C.U.P. has a total of 12 parcels. The majority of the parcels would be zoned “LC” Limited Commercial (Parcels 38). The southern parcel along 151st would be zoned “NR” Neighborhood Retail (Parcel 2) and three easternmost parcels along Central would be zoned “NO” Neighborhood Office (Parcels 9-11).

DP-257 Albert Farm C.U.P., if approved, represents a major step in west side urban expansion. The property lies within the area covered by the Far West Side Commercial Development Policy.

Uses excluded from all parcels would be cemetery, correctional placement residences, and night clubs. The “LC” parcels would also exclude: residential uses, taverns, night clubs, drinking establishments or adult entertainment. Service stations, convenience stores with gas islands, drive-in or drive-through restaurants, vehicle repair and overhead doors would be prohibited within 200 feet of the residential zoning. The proposed use for Parcel 12 is storm water detention.

General provisions are included for landscaping, screening, lighting, architectural character, and signage. These are generally are more stringent than code minimums, as recommended by the Far West Side Commercial Development Policy. The C.U.P. includes a 30 percent maximum building coverage and maximum gross floor area on all commercial parcels except for 32 percent gross floor area on Parcel 1. Maximum building heights are 35 feet.

Masonry screening and a five-foot wall easement between the commercial zoning and the surrounding residential zoning is required unless the uses are separated by 300 feet of platted reserve area, or can be eliminated when an amenity water feature, vehicular and pedestrian circulation, landscaping, and screening of service areas adequately screen the uses.

The C.U.P. calls for good site circulation between the main parcel and outparcels; pedestrian linkages would be provided to Central and 151st and to link buildings within the development.

The application area is part of a 154-acre quarter section owned by the trusts of Lawrence and Winifred Albert. Although a master development plan for the entire quarter section has not been prepared at this point, the agent has indicated that they intend to develop the rest of the tract in residential use, including potentially some higher density residential near the commercial C.U.P. to be perhaps separated by the natural drainage being utilized as an amenity feature. Lower density residential would be placed on the balance of the tract.

The southeastern edge of the proposed C.U.P. corresponds generally to the 100-year flood plain boundary for a tributary to the North Fork of the Calfskin Creek. The tributary begins in the middle of the quarter section and flows toward the northeast. The applicant defined the boundary of this request for commercial use as being the edge of the flood-prone area. It should be noted that the site could be impacted in the future by the overflow from Dry Creek into the North Fork of the Calfskin or measures constructed to control the overflow.

The property to the north is a large agricultural holding, and also has land area in the floodplain of the North Fork of the Calfskin. The property on the southwest corner of 151st and Central is mostly in agricultural use with a residence at the corner of the tract and one other residence along 151st to the south. The property to the northwest of 151st and Central is subdivided as Woodland Hills Addition and Woodland Hills 2nd Addition. Woodland Hills Addition has 17 suburban type lots that are generally five to eight acres in size. Single-family residences occupy most of the lots. Woodland Hills 2nd was platted with four five-acre lots, but was designed to be further subdivided into urban-scale lots. However, it appears homes on two of the lots have been placed directly upon the area that was intended for future street purposes, which may reduce the eventual build-out of this subdivision. It is unlikely that the northwest corner would be developed in commercial use. There is a greater likelihood of future requests for commercial at the northeast and southwest corners.

CASE HISTORY: The area is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Single-Family	Agriculture
SOUTH:	"SF-20" Single-Family	Agriculture
EAST:	"SF-20" Single-Family	Agriculture
WEST:	"RR" Rural Residential	Large lot residential, agricultural
	"SF-20" Single-Family	

PUBLIC SERVICES: Municipal water service is not available to the application area at the current time. Water service is located approximately one mile away in three different directions (151st Street West and Maple, Central near 135th Street West, and 135th Street south of Central). Rural Water District #4 serves the area west of 151st Street, but is not a potential source for extending the lines to this property because of the smaller size of the existing line (8"). The city's water expansion map shows the mile segment along Central from 135th Street West to 151st Street West as "future 16" line" but it is not on the Capital Improvements Plan.

The sewer master plan shows the area being served by a main sewer line or interceptor, extending from the main pump station at 21st Street North and 135th Street North for the Northwest Sewer Plant. This would be a three-mile extension. Although sewer lines for Highland Springs Addition are less than a mile from the site, these lines are too close to capacity to serve this area.

Central (4th Street North) and 151st Street West are both unpaved township roads. They are classified as two-lane arterial streets on the 2030 Transportation Plan. Neither road is shown on the Capital Improvements Plan for the city or the county. Traffic counts are unavailable for the site. Projections for total 24-hour two-way volumes, including this project, in the year 2030 would be 6,019 vehicle trips per day for Central and 3,917 vehicle trips per day for 151st Street West.

CONFORMANCE TO PLANS/POLICIES:

The Wichita Land Use Guide in the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* classifies this area as being within the 2030 urban service area and identifies the corner as likely for future commercial development. The proposed C.U.P. follows the *Comprehensive Plan's* commercial locational guidelines recommending that commercial uses should be located adjacent to arterial streets; in compact clusters; and have site design features that limit noise, lighting, and other aspects of commercial activity that may adversely impact surrounding residential areas.

The Far West Side Commercial Development Policy guides commercial growth at the nine intersections of 119th Street West, 135th Street West, 151st Street West with Maple, Central (4th Street North) and 13th Street North. The Far West study recommends limiting the scale of commercial development to neighborhood serving uses, and stricter guidelines appearance. Intersections within two miles driving distance of another intersection with more than 24 acres of commercial zoning are to be limited to 24 total acres on all corners, with a maximum of 12 acres on any one corner. Intersections within one mile driving distance are to be even more restricted. This intersection falls within the two-mile distance from the intersections at 135th and Maple and at 135th and 13th, making it appropriate for up to 24 acres of commercial zoning. The study also recommends that individual stores other than grocery stores and pharmacies should be no larger than 8,000 square feet.

In terms of appearance, the Far West study states that commercial development should have (1) freestanding signs that are low and monument style with the overall amount of signage restrained, (2) low-key lighting, (3) landscaping and screening exceeding minimum code standards, and (4) architectural treatments that are internally consistent and are compatible with surrounding residential developments in terms of exterior colors and materials and roof forms.

RECOMMENDATION:

Albert Farm represents the future edge of far west expansion for the Wichita-Sedgwick County metropolitan area. It is the first intersection being requested for commercial zoning along 151st Street West. The edge of Wichita is poised a mere one-half mile to the east. During the day, one sees a sharp edge from the two subdivisions under development to the east along 135th Street West, Highland Springs and Rainbow Lakes. At night, the lights of the city are a dramatic contrast along 135th with the rural character of the land to the west.

Albert Farms is in advance of the extension of urban services, which are not planned to reach this site within the next decade unless sewers are extended from the planned northwest pump station sooner than expected. The applicant has agreed that no development will occur on this site until municipal services are provided.

Eventually the land at this intersection will be well situated to serve as a neighborhood commercial center for residential development within a one to two mile radius. As discussed in the previous section, this intersection meets the Far West study criteria for having a total of 24 acres of commercial zoning. If the Northwest Bypass is built sometime in the next 30 years, it is likely that Central would be an interchange location and reinforce Central as an important east-west arterial link for the metropolitan area.

However, the exact impact of the Bypass on this intersection will depend on the alignment and interchange design selected for the Bypass, which will not be finally determined for a couple of years.

According to the Far West study, the scale of development at this intersection should be a total of 24 acres for all four corners with a maximum of 12 acres at any corner. The applicant has requested 16 acres of commercial zoning, but has indicated a willingness to scale back the intensity of the uses on the southernmost tract to "NR" and easternmost tracts to "NO" to mitigate the larger size of the proposed development. Limiting Parcels 9-11 to "NO" particularly helps transition from higher intensity commercial to residential and forms a realistic edge to the C.U.P. along the floodplain boundary.

The concept of treating the natural drainage pattern as an amenity with potential walking paths is desirable. The placement of a collector street along the edge between the commercial tract, a lake and the residential area would facilitate good connectivity among a range of land uses.

Overall, the C.U.P. incorporates the special standards for development recommended by the Far West policy. The building orientation, circulation patterns and design elements should result in a high quality development. An internal circulation drive will link outparcels with the main parcel and create good internal connections.

There are only a few differences between the recommendations of staff and the development proposal. First, the "Far West" policy recommends limiting the scale of individual businesses other than grocery or drug stores to 8,000 square feet, so that the character of the development and traffic characteristics remain oriented to the immediate neighborhood and not "region" serving uses like discount department stores and office supply stores. Regarding signage, staff recommends signs on the outparcels be limited to 12 feet in height and a maximum sign size of 96 square feet. Also, it has been requested that no changing messages at any speed be allowed. Regarding the right-in/right-out opening along Central, staff would recommend this be treated as temporary opening until the first full turning movement opening is built. Once the full movement entrance and internal circulation drive are in place, Parcel 5 will have good access including another permanent right-in/right-out drive on 151st Street West.

Based on this, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2001-00071) to "LC" Limited Commercial for Parcels 1, 3-8, "NR" Neighborhood Retail for Parcel 2 and "NO" Neighborhood Office for Parcels 9-11, and "SF-5" for Parcel 12, subject to platting of the entire property within one year.
- B. APPROVE the Community Unit Plan (DP-257), subject to the following conditions:
 1. No development of the C.U.P. shall occur until municipal water and sewer services have been extended to serve the site, as per General Provision 15.
 2. Access points shall be as shown on the C.U.P. drawing, which has two access points on 151st Street West with the nearest being right-in/right-out only; and three access points on Central, and also has a temporary right-in/right-out only point of access that would be closed once the main entrance between Parcels 6 and 7 is constructed.
 3. Prior to development Central must be improved in accordance with the subdivision paving policy from its terminus (at 135th Street West or at the western edge of DP-233 Highland Springs C.U.P. on Central, whichever is nearer) to the property line, and as a three-lane roadway along the front of the property, providing for center turn lanes as needed.
 4. At time of platting, the applicant shall guarantee the following permanent transportation improvements:
 - A. A raised median on Central from the intersection to the second entrance, and a center left-turn lane on Central between the first and third entrances;
 - B. A raised median on 151st Street from the intersection to south of the first entrance, and a center left-turn lane on 151st Street West between the first and second entrances;
 - C. A continuous accel/decel lane with a beginning taper from the southern property line on 151st Street West extending along the property and tapering after the easternmost drive on Central;
 - D. Proportionate share of paving (as a permanent improvement) of Central and 151st Street West to arterial standards;
 - E. 25 percent of the cost of signalization of the intersection of when warranted (this is based on the expectation that this development will generate approximately half of the commercial traffic at this intersection, and the total commercial traffic will be approximately half of the total daily traffic on the two arterials).
1. General Provision #5C and #5D shall be revised to state: "Parcels 3-8: 96 sq. ft.; maximum height 12 ft.
2. Add to General Provision 34: "No single use shall occupy more than 8,000 square feet of floor area, with the exception of a grocery store or drug store."
3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
5. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.

6. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-257) includes special conditions for development on this property.
7. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property to the northwest is in suburban lots; otherwise all the surrounding land is in agricultural use with a few houses along the township arterial roads. A small tributary to the North Fork of the Calfskin Creek is located on the eastern edge of the proposed C.U.P.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for continued agricultural use. At the current time this is the most desirable use since municipal services are not available. However, as the urban fringe expands, this is the logical location for a neighborhood commercial node.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of Albert Farm Community Unit Plan will change the character of the area from a few suburban lots and farms to transitioning to urban character. The presence of commercial use might suppress the desirability of the area for lower density residential development. However, the stronger design features (landscaping, architectural treatments, restrained signage and lighting) and an integrated transportation network (good internal drives between the parcels, connections to the residential areas to the south and east, and a coordinated pedestrian/pathway system) should reduce the detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: Except for exceeding the 12 acre maximum for one corner, the request is in conformance with the Wichita Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* and the Far West Side Commercial Development Policy. As recommended, the general provisions of Albert Farm C.U.P. would correspond to the development patterns already established on the other C.U.P.s in the Far West area, including DP-233 Highland Springs C.U.P., DP-219 Auburn Hills Commercial C.U.P., DP-225 Auburn Hills Commercial II, and DP-231 Copper Gate C.U.P.
5. Impact of the proposed development on community facilities: Traffic increases generated by the new commercial development would be substantial, however, it is not anticipated that the property will be developed for a number of years until residential density in the vicinity generates sufficient demand to warrant the commercial investment costs. Currently the area was not included within the 2010 urban service area and none of the road, water, or sewer improvements were included in the capital improvements programs. Development will spur the need to extend water and sewer lines to serve the area, and may speed the timetable for these improvements.

GOLTRY, Planning staff: This request as been revised. Since the January MAPC, there have been several changes in the proposed CUP that will be shown today. The applicant, agent and staff have met, as well as the neighbors, to resolve issues and problems. Sixteen total acres are proposed for commercial use. Staff and the agent have worked hard to respond to "Far West Commercial Policy Guidelines." There are still a few things they don't agree on though. Sign height and the number of driveways on Central are still at issue.

GAROFALO: Signage is not listed.

GOLTRY: It is covered in condition number 5.

HENTZEN: Is this property located outside the city limits? Has the "Far West Policy," has the City approved that? Has the County approved that?

GOLTRY: The City, yes; the County, no.

HENTZEN: But the CUP is not in the City.

GOLTRY: They will be when they request annexation.

WARREN: Indicated that he thought the "West Side Commercial Policy" was vague, was a policy without parameters except those established by the Director of Planning and that the Far West Policy was hypothetical.

KIM EDGINGTON, Austin Miller, agent: Indicated she was surprised neighbors were not here. We have changed a number of architectural controls. They want an aesthetically pleasing development. They have addressed building materials, location of parking screening, and have come a long ways toward improving the aesthetics of this development. Limitations have been placed on building signs; the size and type. We are pretty close now compared to where we were at the last time. The sign height staff recommends is 12 feet. The zoning code would allow 25 feet. We have lowered our sign height, but we need signs at 15 feet high. We also object to the 8,000 square foot limitation. With a development such as this, on this size of parcel, and with Central being a major through-fare, we ask you to make accommodation for larger uses, other than a grocery or a drug store. Such limitations affect the marketing of the property. We also don't want a right-in and right- out only opening on Central. That is a severe limitation. Neighbors requested no changes be allowed to the signage. We would like to maintain the way the other CUP's are developed on the west side of town.

KROUT: Commented, that he appreciated all the effort the staff and the neighbors and the agent have put in on this project. The have done a very good job working together. We have closed the gap, a lot these changes are all positive.

GAROFALO: What is the distance from the intersection to right-in and right- out entrance on Central?

EDGINGTON: One-hundred ninety feet.

GAROFALO: On Item 6, the square footage limitation. Do you have a suggestion?

EDGINGTON: We would not want the 8,000 sq ft. limitation. We have maximum building coverage limits built in for each parcel. We are asking that on Parcel 3, like for example, 10,000 square feet can be built on that regardless if it is a grocery store or not.

GAROFALO: No single use more than 8,000 square feet?

EDGINGTON: Our main concern is Parcel 1. We would want to exceed the 8,000 square feet. We do not want a limitation.

GAROFALO: So the 8,000 would work for the other parcels?

EDGINGTON: Yes, just on Parcel 1 we want the change.

BISHOP: You are not in favor with right-in, right-out situation?

EDGINGTON: No, we don't want to have to close it when the second entrance is constructed.

BISHOP: Which of these conditions does that?

EDGINGTON: Staff has recommended that in Item #2.

MICHAELIS: Strike Number 2 then?

EDGINGTON: Page 6 has a statement about not changing messages frequently on signage, and we would like that not to be a part of this recommendation.

GOLTRY: That is a request by the neighbors.

HENTZEN: Has staff recommended that statement be included?

EDGINGTON: No, it is not in staff's conditions.

HENTZEN: Asked after our recommendation, who will this go to then?

EDGINGTON: To the County Commission, not the City Council.

GAROFALO: Stated he would like to hear from the staff regarding access from Central. He wanted to know the reason for this condition.

MEHTA, staff: The location of a driveway adjacent to a major intersection is controlled by corner clearance that relates to sight stopping distance. How much time does it provide for a vehicle to react, if in fact, that vehicle didn't see the first vehicle. At speeds of 30 mph, about 300 to 350 feet are the requirements. We don't have a policy in place, but these are national standards.

KROUT: The draft Access Management Plan suggests when you have a larger commercial development that the access to that corner development should not be allowed. At some point they will need to look at access control, as far as safety goes. We have compromised to the one on 151st Street.

MICHAELIS: 264 feet from Central?

MARNELL: Accel, decel lane details?

GOLTRY: Eastern-most lane?

WARREN: It is my opinion that this would probably not be developed until it was a part of the City. In that case, it looks like the three easterly access points are okay. Why are we concerned about the west side opening?

KROUT: The applicant wants the direct access to be permanent.

WARNER: You are saying okay?

KROUT: We are saying the first access point ought to be closed.

MICHAELIS: Staff wants a permanent right-in, right-out only. Staff also says they will close it when it becomes necessary.

WARNER: Where did the 8,000 square feet come from?

GOLTRY: The "Far West Policy" came in...

WARNER: The Wal-Marts are bigger than 200,000 square feet.

KROUT: Sporting goods stores are 40,000 to 50,000 square feet.

WARNER: 8,000 square feet to lot 1?

GOLTRY: It won't be an issue until they have a tenant, and then they can adjust up to 10 percent by administrative adjustment.

KROUT: Room to adjust that and all the pads sites. How flexible do you want to be on the large parcel. Coverage on tract 1 is 90,000 square feet.

EDGINGTON: We have a lot of retailers that are going to need more than 8,000 square feet, so we would like to make that available now.

WARNER: Grocery and drug stores should have more usage.

MICHAELIS: Total square footage allowed on Parcel 1?

EDGINGTON: 318,000 square feet with a building coverage of 90,000 square feet. Eddie Bauer couldn't have more than 8,000 square feet.

HENTZEN: Lot 1 is the large lot. What is the staff recommendation on the square footage?

EDGINGTON: No single use is allowed more than 8,000 square feet unless it is a grocery or drug store.

HENTZEN: Marvin told us it is in the draft policy of access management plan, so I am asking why are we applying things that have not been approved by the governing authority?

BISHOP: I would like to ask about the right-in, right-out. If we approve as the condition states, would there be opportunity for administrative adjustment at some time?

KROUT: Yes, as long as we didn't show it on the plat, we would put the restriction on the CUP only.

MOTION: Approve the zoning and the CUP as presented, except: Item 2 be amended to permit full turning movement at the opening on Central; Item 5 be amended to permit sign heights up to 15 feet; and Item 6 be amended to refer back to the applicant's request, not staff's recommendation.

WARREN moved, **WARNER** seconded the motion.

More discussion was had regarding the motion.

SUBSTITUTE MOTION: Approve as recommended by staff, except Item 6 be removed.

BISHOP moved, **GAROFALO** seconded the motion.

GAROFALO: Stated he needed a clarification. That Lot 1 be left open on square footage so that it could be allowed to the maximum development.

BISHOP: I am proposing to give them that flexibility. She restated the motion: to approve as recommended with all staff recommended conditions except Item 6, which would be removed.

WARREN: I am opposed to this recommendation. I don't think 15 feet is good.

HENTZEN: I thought we were talking about the first motion, so I have been trying to get a chance to talk. Right in, right out, the applicant agrees to it but the applicant does not want it to be temporary.

More discussion was had on the substitute motion.

BARFIELD: Signage, no electronic form?

MICHAELIS: That is not a recommendation of staff approval. Make it a matter of record that we are not opposed to

VOTE ON THE SUBSTITUTE MOTION FAILS 5-7. (MICHAELIS, HENTZEN, MARNELL, JOHNSON, WARREN, BARFIELD, ANDERSON)

Additional discussion on the original motion results in Warren withdrawing his original motion and Warner withdrawing his second.

MOTION: Approve as recommended by staff except Item 2 be amended to permit a permanent opening, (constructed as right-in/right-out or applicant agrees to construct median), Item 5 be amended to permit sign heights up to 15 feet and Item 6 refer back to the applicant's request, not staff's recommendation (removal of the maximum 8,000 square foot per use limitation).

WARREN moved, **JOHNSON** seconded, and the motion passed 10-2 (**BISHOP, BARFIELD**)

3. Consideration of Subdivision Committee Recommendations

3-1. SUB2002-07 – One-Step Final Plat of K & N MOTORCYCLE ADDITION, generally located on the west side of west side of West Street, north of 2nd Street.

- A. Municipal services appear to be available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan.
- D. **Traffic Engineering** needs to comment on the access controls. The plat proposes one access opening along the south property line.
- E. A cross-lot access agreement with the abutting property owners to the north and south shall be provided.
- F. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- G. The Applicant is advised that if platted, the building setback may be reduced to 20 feet.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **COULTER** seconded the motion, and it carried unanimously (12-0).

3-2. SUB2002-08 – One-Step Final Plat of RIDGE PORT COMMERCIAL PARK ADDITION, generally located on the west side of Ridge Road, north of 29th Street North.

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.

- B. **City Engineering** needs to comment on the need for additional guarantees or easements.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan.
- E. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- F. **City Fire/GIS** needs to comment on the street names. **GIS has requested that Westwind Bay be replaced with Cora St or W 33rd N.**
- G. The Applicant is advised that if platted, the building setbacks may be reduced to 20 feet to conform with the Zoning setback standard for the LI, Limited Industrial District.
- H. **Traffic Engineering** needs to comment on the access controls. The plat proposes a loop street in addition to an access opening to the south.
- I. The access easement shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- J. The Applicant shall guarantee the paving of the proposed street to the business/industrial street standard.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. The MAPC signature block needs to reference "J.D. Michaelis, Chair".
- N. The legal description should be revised to correct the spelling of the word "northerly".
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this

plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **COULTER** seconded the motion, and it carried unanimously (12-0).

3-3. DED2002-02 – Dedication of Access Control, generally located north of Harry, east of Hillside.

CASE NUMBER: DED 2002-02 -- Dedication of Abutters's Access Rights from Via Christi Property Services, Inc., Attn: Terry Alexander and Catholic Diocese of Wichita, Attn: Kan Loughman, for property located on the north of Harry, east of Hillside.

OWNER/APPLICANT: Via Christi Property Services, Inc., Attn: Terry Alexander, 959 N Emporia, Ste 302, Wichita KS 67214 and Catholic Diocese of Wichita, Attn: Kan Loughman, 424 N Broadway, Wichita KS 67202

LEGAL DESCRIPTION: All of Lot 2, Replat of Part of Pineridge Addition to Wichita, Sedgwick County, Kansas, TOGETHER with that part of Lot 3 in said Replat of Part of Pineridge Addition lying east of the west line of said Lot 2, as extended south to the south line of said Lot 3, except the east 5.00 feet thereof dedicated for street, TOGETHER with the south 140.00 feet of the north 276.53 feet of the east 80.00 feet of Lot 1 in said Replat of part of Pineridge Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of a Lot Split SUB 2001-124, and is being dedicated for complete access control along Harry Avenue.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **COULTER** seconded the motion, and it carried unanimously (12-0).

3-4. DED2002-03 – Dedication of Access Control, generally located north of Harry, east of Hillside

CASE NUMBER: DED 2002-03 – Partial Dedication of Abutters Access Rights from Via Christi Property Services, Inc., Attn: Terry Alexander, and Catholic Diocese of Wichita, Attn: Kan Loughman, for property located on the north of Harry, east of Hillside.

OWNER/APPLICANT: Via Christi Property Services, Inc., Attn: Terry Alexander, 959 N Emporia, Ste 302, Wichita KS 67214 and Catholic Diocese of Wichita, Attn: Kan Loughman, 424 N Broadway, Wichita KS 67202

LEGAL DESCRIPTION: All of Lot 1, Replat of Part of Pineridge Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 1 described as the south 140.00 feet of the north 276.53 feet of the east 80.00 feet thereof, TOGETHER with that part of Lot 3 in said Replat of Part of Pineridge Addition lying west of the west line of Lot 2 in said Replat of Pineridge Addition, as extended south to the south line of said Lot 3.

PURPOSE OF DEDICATION: This Dedication is a requirement of a Lot Split SUB 2001-124, and is being dedicated for access control along Harry Avenue.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **COULTER** seconded the motion, and it carried unanimously (12-0).

3-5. DED2002-04 – Dedication of Contingent Street Right-of-Way, generally located on the southeast corner of Central and Hydraulic.

CASE NUMBER: DED 2002-04 -- Dedication of Contingent Street Right-of-Way on the southeast corner of Central and Hydraulic from USD 259, Attn: Joe Hoover for property located on the southeast corner of Central and Hydraulic.

OWNER/APPLICANT: USD 259, Board of Education (Washington Elementary School), Attn Joe Hoover, 201 N. Water, Wichita KS 67202-1292, Phone: (316) 973-2239

LEGAL DESCRIPTION: A tract of land in the NE 1/4 of Section 21, Township 27 South, Range 1 East, of the 6th P.m., Sedgwick County, Kansas, described as beginning at a point 40 feet South and 30 feet West of the NE corner of said NE 1/4; thence West 270.7 feet, thence south 600 feet, thence east 270.6 feet, thence north 600 feet to the point of beginning

PURPOSE OF DEDICATION: This Dedication is a requirement of a Building Permit, and is being dedicated for Contingent Street Right-of-Way along Central & Hydraulic.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **COULTER** seconded the motion, and it carried unanimously (12-0).

4-1. VAC2002-01 – Request to Vacate platted 35-foot setback, generally located northeast of 21st Street North – Ridge Road Intersection.

The applicant is requesting the platted 35-ft setback be replaced with a 28-ft setback to allow for the placement of the vacuum islands for the proposed carwash. A vacuum island is considered a structure by OCI; structures cannot encroach into setbacks. The applicant has worked with the Public Works Traffic Engineering in regards to the circulation of vehicular traffic within the car wash site and the applicant's site plan reflects those efforts.

The reduction of the 35-ft setback to 28-ft reflects a 20% reduction of the platted setback. This is the maximum allowed for an Administrative Adjustment for a current zoning (not platted) setback. Current front setback for LI Limited Industrial zoning is 20-ft. The applicant's request for the vacation of the platted 35-ft setback and replacing it with a 28-ft setback does not exceed what is allowed for current setbacks for LI zoning or an Administrative Adjustment for unplatted setbacks. The applicant will have to apply for an adjustment to the CUP to reflect the vacation of the platted 35-ft setback.

Planning Staff received a fax from the Quick Trip Corporation opposing the vacation of the platted 35-ft setback and replacing it with the proposed 28-ft setback. Staff was notified by Quick Trip, by phone, that they would protest the vacation request. This occurred the mid-morning prior to the SD meeting, Thursday, 02-14-02. Staff's recommendation, during the phone conversation, was the conditions of development in a CUP would prevent anything but the 2 vacuum islands to occupy the space (7-ft) created by the vacation of the platted 35-ft setback and the creation of the new 28-ft setback. This condition is reflected in the Staff's conditions of approval, which includes the applicant applying for an Administrative Adjustment to CUP DP-205, with the previously noted conditions. QT decided to send the fax to the SD, which was received approximately 12:30 PM, Thursday, 02-14-02. Staff recommends that the MAPC can proceed with this vacation request.

Planning Staff recommends the vacation request.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time January 31, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described platted setback, and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the platted setback described in the petition should be approved subject to the following conditions:

1. The applicant apply for an Administrative Adjustment of CUP DP-205 to reflect the vacation of the platted 35-ft setback and the new 28-ft setback to allow for the placement of 2 vacuum islands only. No other structure allowed and if redevelopment of the site occurs the 35-ft setback will be reflected on CUP DP-205 as the recognized setback.
2. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
3. All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried unanimously (12-0).

5. ZON2001-00056 – Fouts & Geller, c/o Jim Fouts request a Zone Change from "SF-20" Single-Family Residential to "GO" General Office with a "PO" Protective Overlay on property generally described as:

That part of the Northwest Quarter of Section 4, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at a point on the West line of said Northwest Quarter, said point being 1343.00 feet South of the Northwest corner of said Northwest Quarter; thence Easterly parallel with the North line of said Northwest Quarter, 235.67 feet; thence Northerly parallel with the West line of said Northwest Quarter, 274.63 feet; thence Northwesterly with a deflection angle to the left of 61 degrees 28'45", 268.18 feet to a point on the West line of said Northwest Quarter, 406.62 feet to the point of beginning, subject to road rights-of-way of record. Generally located Southeast of the 29th Street N – Tyler intersection, approximately 900 feet south of the intersection.

BACKGROUND: The applicant is requesting "GO" General Office with a "PO" Protective Overlay on Lot 1, Block B, Fossil Rim Estates. Fossil Rim Estates is a proposed subdivision located south and east of the 29th Street North – Tyler Road intersection. The Preliminary Plat was approved January 17, 2002. The Subdivision Committee will consider the Final Plat February 28, 2002. The subdivision has frontage on both 29th Street North and Tyler, approximately 500-530 feet from the intersection. The subdivision is removed from the east and south corners of the intersection by property zoned "LC" Limited Commercial. The subdivision's access onto 29th and Tyler consists of two residential streets onto 29th and one residential street onto Tyler. The subject property, Lot 1, Block B, has separate access (per plat) onto Tyler and is not connected to the subdivision's residential streets. The subject property is the only lot proposed to be non-residential in the subdivision's total of 71 lots. The other 70 lots are zoned "SF-20" Single-Family. The subject property has a reserve, Reserve G, separating it from the residential lots on its east and north sides. Reserve G is to be used for landscaping, lakes, open space, berms, sidewalks, and drainage purposes with utilities within the reserve to be confined to easements. The subject property has a platted 30 foot Arkla pipeline easement, located approximately 40 feet north of the south property line, running parallel to the south property line and at a northwest to southeast angle through it. This pipeline easement dissects this lot into 3 sections. The site will be redeveloped and the current structure will be taken out.

The area around the subject property is developing primarily as residential. There is established housing within residential zoning in all directions from the subject property, including a house abutting it to the south. The commercial zoning at the 29th Street North - Tyler intersection is undeveloped at this time. The subject property and the proposed subdivision, Fossil Rim Estates, are in Sedgwick County. This proposed subdivision is part of a County pocket surrounded by the Wichita City limits. The property northwest of the 29th Street North- Tyler Road intersection is in the County and is being used for agriculture. Commercial development will be confined to the intersection and will be small in scale with the current zoning and established residential development around it.

The only non-residential zoning - development that is located between the commercial zoning and development at the intersections of 21st Street North – Tyler Road and 29th Street North - Tyler Road is a dental office located across (southwest approximately 100 feet) Tyler from the subject property. SCZ -0747 is an approved change for "NO" Neighborhood Office zoning from "SF-20" zoning. The MAPC and the BBC approved the zoning in 1997. The request allowed the conversion of an existing residential structure into a dental office. The development has mature trees and landscaping in the front, with parking sitting deep into the property behind the landscaping and in front of the brick residential designed dental office. A monument sign is in the front advertising the office. This building is one of the older in the area where the residential is relatively new, i.e., coming after the house that is now a dental office was built. The property is now in the City.

The proposed zoning change of the property to office use would entail providing off-street parking, landscaping, lighting and screening in accordance with the zoning code. The applicant's agent has provided a listed of uses that would not be permitted in the "PO". In reference to the uses in "GO" General Office, per UZC, the agent's use contains both uses permitted by right and conditional uses for "GO" zoning.

CASE HISTORY: The property is being platted as the Fossil Rim Estates Addition. The Preliminary Plat was approved January 17, 2002. The Subdivision Committee will consider the Final Plat February 28, 2002.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20" Single Family Residential	undeveloped
SOUTH:	"SF-5" Single Family Residential	single-family residences
EAST:	"SF-20"	undeveloped
WEST:	"SF-5"	single-family residences

PUBLIC SERVICES: The property is located along Tyler Road, at this point a two-lane paved street with turn lanes. It is designated as a two lane arterial. Tyler is a City road south of the 29th Street North – Tyler intersection. Tyler north of the intersection is a County road and is paved. 29th Street North is a County road at this intersection and is not paved west of the intersection. 29th Street North is designated as a two-lane arterial. The traffic count for the year 2000 was 1524 cars per day (ADTs) south, 485 ADTs north, 1674 ADTs east and 720 cars ADTs of the Tyler and 29th Street North intersection, which is the closest major intersection. Projected for Tyler into 2030 should not require major widening of Tyler. The subject property has one drive entrance onto Tyler, per the proposed Fossil Rim Estates Final Plat. Public water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as being "low density residential". The proposed Fossil Rim Estates Addition is low density residential, with the exception of the subject property.

"Office Locational Guidelines" of the *Comprehensive Plan* include (1) being located adjacent to arterial streets; (2) having local, service-oriented offices incorporated within or adjacent to neighborhood and community scale commercial development, and (3) having low-density office use as a transitional land use between residential uses and higher intensity uses. The proposed zoning change to "GO" with a "PO" is an abrupt transition from the low density residential around it.

RECOMMENDATION: DENY the request for "GO" General Office with a "PO" Protective Overlay. For sites located at the mid-mile, like this location, Staff has generally recommended denial of requests for non-residential zoning, as mid-mile sites which do not

comply with the Comprehensive Plan location guidelines for office use and would introduce zoning that is not compatible with the existing residential zoning. Even with the volunteered restrictions, the applicant's request would still allow buildings over 35 feet in height and high density multi-family development. In this case, Staff instead recommends a zoning change to "NO" Neighborhood Office with a "PO" Protective Overlay. This recommendation is based on several considerations. The subject property is isolated from the proposed subdivision it is located in by Reserve G and its lack of access to the residential streets in its proposed submission. The subject property also does not and will not have access to the other established subdivisions' street. This makes the site one of the few lots/properties having direct access and orientation onto an arterial rather through a residential collector, per existing and proposed plats. The location and configuration of the Arkla pipeline easement dissecting the property makes placement of a residences more problematic than a non-residential building. The pipeline easement location and configuration is unique to the subject property in this subdivision. The existing dental office is an example how a "NO" Neighborhood Office zoning coupled with strong design guidelines can blend a non-residential use into a residential area and offer a service that can potentially benefit a neighborhood. The "NO" Neighborhood Office zoning with a "PO" Protective Overlay would restrict development more than the "GO" General Office zoning with a "PO" Protective Overlay, thus preserving the overwhelming single family development in the area. It is reasonable to assume that the lot abutting the subject property at some time could request non-residential zoning. Considerations that could impact this possible action include the large size of the lot, approximately 2 acres, it not being a part of any subdivision or neighborhood association and the existence of "NO" Neighborhood Office zoning across the road and possibly abutting it to the north, i.e. the subject property. If this should occur, provisions should be made in the proposed plat that cross lot access be given to provide the same drive for the subject property and this abutting south property. This would also closer align the subject property's drive with the dental office drive across Tyler. In any case Staff recommends that the location of the drive onto Tyler be located on the south end of the lot and this access be reflected on the Final Plat.

Based upon information available prior to the public hearings, planning staff recommends that the zoning change from "SF-20" Single Family Residential to "NO" Neighborhood Office, subject to the platting being approved within a year of this public hearing date, with the size and configuration of the subject property as shown being at the MAPC reflected on the approved Final Plat, and subject to the following Protective Overlay.

1. The property shall be developed with a building that has exterior walls of brick, masonry, wood and/or composite siding and double-pitched gable or hip style roof.
2. Freestanding signs shall be monument-type with materials matching the materials of the building, per size allowed for "NO" Neighborhood Office zoning.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is in a developed and developing residential area. The majority of the zoning is "SF-5" Single Family Residential to the south and west with some "TF-3" Two Family Residential. "SF-20" Single Family Residential zoning is located to the north and east with smaller amounts of SF-5" Single Family Residential zoning. "LC" Limited Commercial zoning is located on the intersection of 29th Street North and Tyler and has not been developed.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed as residential in conformance to its current zoning of "SF-20" Single Family Residential. The location and the configuration of the Arkla pipeline easement is unique to the subject property in reference to the other lots in the subdivision. This easement reduces site design opportunities for residential. The subject property's location on the southeast corner of the subdivision contains several features that isolate it from the rest of the subdivision. As shown on the proposed plat, the subject property is separated from the residential lots of the subdivision on its north and east sides by Reserve G. Development of Reserve G is (as specifically noted earlier in the report) for drainage, utilities or open space in nature, thus it is a buffer between the residential and the subject property. The subject property has no access to any of the subdivision's residential streets, thus further isolating it from the rest of the subdivision. These features of the subject property could be suitable to a neighborhood office site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Within the limited uses in the "NO" Neighborhood Office district, the limited size of the subject property, the location and configuration of the subject property and those lots and reserves as shown on the Fossil Rim Estates Addition and the Protective Overlay the rezoning of this property should not adversely affect nearby properties. The site will also have to comply with all landscaping and buffering requirements in the zoning code.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Comprehensive Plan shows this site to be appropriate for "low density residential" and adjacent to "commercial" use. The location of the subject property is approximately ¼ mile from the intersection and approximately 355 feet from the end of the "LC" Limited Commercial zoning at this intersection. The subject property is on the edge of the mid-mile location criteria for non-residential zoning. One of the purposes of the "NO" district is to be a very low -intensity office use that is compatible with nearby residential use.
5. Impact of the proposed development on community facilities: Water and sewer would not be negatively impacted by the zoning change. The proposed Fossil Rim Estates Final Plat allows for one opening from this site onto Tyler, the traffic generated by "NO" Neighborhood Office zoning/development would be minimal.

BISHOP: Did you post a sign?

TERRY SMYTHE, agent: We did post the sign two different times but the weather has been bad.

BISHOP: Are we not going to consider this case?

MICHAELIS: If staff recommends approval and the applicant don't. We will take them (Items 5,6 and 8) all together.

GAROFALO: The applicant agrees to all the conditions?

SMYTHE: Yes, we agree with staff and to the PO to make the offices have a kind of residential look.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

6. **ZON2002-00001** – Steven Buick Motors, Harold Johnson (owner); Baughman Company, c/o Phil Meyer (agent) requests Zone Change from “SF-5” Single-Family Residential to “GC” General Commercial on property described as:

Beginning 542 feet North of the Southwest corner of the North Half of the Northwest Quarter of said Section 27, thence East parallel to the North line of said Northwest Quarter 217.8 feet; thence North 200 feet; thence West 217.8 feet; thence South 200 feet to the place of beginning. Generally located on the east side of Greenwich Road approximately 600 feet South of Kellogg (600 South Greenwich Road).

BACKGROUND: The applicant requests “GC” General Commercial zoning on an unplatted .81-acre parcel located on the east side of Greenwich Road approximately 600 feet south of Kellogg. The parcel is currently zoned “SF-5” Single Family Residential, and is developed with a single family residence.

The applicant also owns the car dealership on the “LI” Limited Industrial zoned lot across Orme Street to the north, the existing dealership has frontage along Kellogg Road. To the north and east of the application area, across Greenwich and fronting Kellogg is “GC” zoned manufactured home sales. South of the application area is an “LC” zoned single family house and “LC” zoned vacant space, all of the property south of the application is included in a Wal Mart anchored CUP known as One Kellogg Place. Approximately 600 feet south of the application area lies Highway I-35. East of the application area is a large “LI” and “GC” zoned tract currently under the CUP development. West of the application area on Greenwich are seven “SF-5” zoned lots developed with single-family homes.

The current neighborhood character is a mix of “GC” and “LI” zoned automobile and manufactured home businesses fronting Kellogg, “SF-5” zoned homes on the west side of Greenwich, a southern edge created by I-35, and a to be completed CUP development to the east.

The proposed zone change, from “SF-5” to “GC” would require conformance to all property development standards in the Unified Zoning Code. The “GC” district permits outdoor vehicle sales as a use by right, subject to the following conditions:

1. Visual screening of areas contiguous to residential zoning districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to vehicle and equipment sales replaces a previous use that is of equal or greater intensity. In no case shall screening be less than that required by Secs. IV -B.1-3.
2. All parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right of way.
3. The lighting standards of Sec. IV -B.4. shall be complied with. No string-type or search lighting shall be permitted.
4. The compatibility noise standards of Sec. IV-C.6 shall be complied with. Outdoor speakers and sound amplification systems shall not be permitted.
5. No repair work shall be conducted except in an enclosed building.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	“LI”	automobile dealership
SOUTH:	“LC”	single family home, undeveloped
EAST:	“GC,” “SF-5”	manufactured home sales, single-family homes
WEST:	“LI,” “GC”	under development CUP

PUBLIC SERVICES: The property is located along Greenwich between Kellogg and I-35, which is currently being improved to a four-lane section line arterial road with a fifth center turn lane. A March 2000 traffic count showed 7,045 ADTs (average daily trips) for this section of Greenwich. 2030 traffic projections estimate 14,870 ADTs, this estimate could go as high as 18,000 ADTs with the development of One Kellogg Place. The application area currently has two points of access onto Greenwich, connected by a circle drive way.

City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The recently updated and adopted “Wichita Land Use Guide” of the *Wichita-Sedgwick County Comprehensive Plan* identifies the application area, along with the entire surrounding area, as “Commercial.” The Unified Zoning Code defines the “GC” zoning district as generally compatible with the “Commercial” designation of the Comprehensive Plan. The application area is also consistent with the “Commercial Locational Guidelines” of the *Wichita-Sedgwick County Comprehensive Plan*. The Plan encourages the protection of residential areas from the impact of high intensity commercial uses with the use of buffers, set backs, and landscaping. The Plan also indicates that auto sales lots and other types of infrequent purchases or non-neighborhood serving commercial uses are to be guided to areas containing similar uses, and away from neighborhood commercial area.

RECOMMENDATION: This zone change request is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide" and "Commercial Locational Guidelines." A zone change to "GC" and the subsequent redevelopment will require the application area to be in compliance with the landscape ordinance; and to screen and deflect lighting from residential neighbors. Likewise, the above mentioned conditions for vehicle and equipment sales in "GC" should mitigate any negative impacts from the application area onto surrounding neighbors. To be redeveloped, the applicant will be required to plat the application area. Planning staff anticipates that platting will include complete dedication of access control on Greenwich, dedication of access control with one point of access on Orme, and required cross-lot access agreements with all non-residentially zoned neighboring lots.

Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is a mixture of "GC," "LI," and "SF-5" zoning. The surrounding land uses are a mixture of auto sales, manufactured home sales, single family homes, and an elevated highway; this character is soon to be further affected by the large CUP development of One Kellogg Place. Landscape requirements, and conditions for vehicle and equipment sales in "GC" should mitigate any negative impacts from the application area onto the surrounding residential neighbors.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used as currently zoned, as a single family residence. However, the "Wichita Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the entire surrounding area as "Commercial." With a large CUP commercial development to immediate east, and associated street improvements on Greenwich, the entire surrounding area will potentially redevelop for commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "GC" zoning on this property will increase traffic and the intensity of land uses in the immediate area. Designation of the entire surrounding area as "Commercial" in the "Wichita Land Use Guide," and street improvements underway on Greenwich, have taken into consideration the redevelopment of the surrounding area for commercial uses.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide," and it is in conformance with the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: A zone change at the application area to "GC" will increase traffic on Greenwich, the designation of the entire surrounding area as "Commercial" in the "Wichita Land Use Guide," and street improvements underway, have planned and accounted for increased traffic in this area.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

7. **CON2002-00005** – Steven Enterprises LLC c/o Brandon Steven (Owner/Applicant); Kaplan, McMillian, & Harris c/o Robert W. Kaplan (agent) request a Conditional Use for Outdoor Vehicle and Equipment Sales on property generally described as:

The west 300 feet of Lot 38, Knight Acres Addition, Wichita, Sedgwick County, Kansas, except the north 63 feet thereof.
Generally located North of 2nd Street North and east of West Street.

BACKGROUND: The applicant is requesting a Conditional Use to allow a used car lot on a 1.4 acre platted tract zoned "LC" Limited Commercial and located north of 2nd Street North and east of West Street (400 N. West St.). A used car lot is defined by the Unified Zoning Code as "outdoor vehicle and equipment sales," which requires a Conditional Use when located in the "LC" district.

A 20,000 square foot tract in the northwest portion of the property is developed with AdvantEdge Quality Cars. Used car sales on this portion of the subject property is permitted by a Use Exception granted by the Board of Zoning Appeals in 1991 (see attached resolution and site plan). The applicant is requesting to expand the used car lot 100 feet to the east and 100 feet to the south, thereby tripling the size of the used car lot. At the suggestion of planning staff, the applicant submitted a Conditional Use request for the entire property so that the property would be subject to the one set of regulations rather than both Use Exception and Conditional Use regulations.

The West Street frontage in this area is commercial in character with several vehicle sales lots in the vicinity, including a motorcycle sales lot across West Street that was recently approved for expansion by the MAPC. The zoning of the property to the north is "LC" Limited Commercial, and the property is developed with a pawn shop. The zoning to the south is "LC" Limited Commercial, and the property is developed with a television studio. The zoning of the property to the east is "SF-5" Single-Family Residential, and the property is undeveloped. The zoning of the properties to the west across West Street is "LC" Limited Commercial and "GC" General Commercial, and the properties are developed with a Southwestern Bell facility and a motorcycle sales lot.

The applicant submitted the attached "Site Exhibit," which indicates that the applicant proposes to redevelop the subject property by demolishing an approximately 2,800 square foot commercial building and expanding the used car lot 100 feet to the east and 100 feet to the south. An existing 3,247 square foot commercial building will remain on the subject property, as will an existing billboard. The two existing access drives to West Street are proposed to remain, as is the existing 30 feet of half-street right-of-way for West

Street. No landscaping or screening are proposed for the site. An unspecified portion of the sales lot is proposed to be gravel rather than paved. The location of required off-street parking spaces is not indicated on the site plan.

To limit the impact of the proposal and to bring the proposal into compliance with existing regulations, planning staff recommends conditions of approval regarding access, screening, landscaping, and operational standards. These conditions are described in detail in the "Recommendation" section of this report.

CASE HISTORY: The property is platted as part of the Knight Acres Addition, which was recorded December 20, 1918. A portion of the subject property was granted a Use Exception (BZA22-90) to permit a car sales lot on January 22, 1991.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Pawn Shop
SOUTH:	"LC"	Television studio
EAST:	"SF-5"	Vacant
WEST:	"LC" & "GC"	Southwestern Bell facility & motorcycle sales lot

PUBLIC SERVICES: This site has access to West Street, a four-lane arterial street. Traffic volumes on West Street at this location are currently approximately 20,000 vehicles per day, and the 2030 Transportation Plan estimates the traffic volumes will increase to approximately 25,000 vehicles per day. Based on these traffic volumes, the Transportation Plan recommends that West Street be widened to five lanes. The widening of West Street cannot be accomplished in the existing 60 feet of right-of-way; therefore, the street right-of-way has been widened through dedications as sites redevelop in this area, including dedications from all the properties rezoned in this area in the last 40 years. Water and gas utility lines are currently located under West Street, and when roadways are widened and reconstructed, utility lines typically are relocated outside the road bed, which also requires additional street right-of-way. Numerous access drives exist along this stretch of West Street, and many of these access drives are duplicative (e.g., more than one drive per site), including the access drives to the subject property. Excess access drives reduce the through traffic volume capacity of the street and lead to increased incidents of traffic accidents; therefore, the second access drive to the subject property should be closed. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. All requirements of Section III.D.6.x. of the Unified Zoning Code shall be met.
2. The applicant shall dedicate by separate instrument 20 additional feet of street right-of-way along the property's West Street frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
3. The southern-most access drive to West Street shall be closed, and the applicant shall provide a guarantee for closure of the drive in a form suitable to the City Engineer within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable. The applicant shall dedicate by separate instrument complete access control except for one opening along the property's West Street frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
4. Parking spaces for employees and customers shall be provided on the property as required by the Unified Zoning Code and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee.
5. A landscaped street yard and landscape buffer in conformance with the requirements of the Landscape Ordinance shall be provided on the property and shall comply with a landscape plan approved by the Planning Director.
6. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
7. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval of the revised site plan by the Planning Director.
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
9. Any violation of the conditions of approval shall render the Conditional Use null and void.
10. Approval of this Conditional Use shall supersede and render null and void the Use Exception granted for the subject property by BZA Resolution No. 22-90.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The West Street frontage in this area is commercial in character with several vehicle sales lots in the vicinity. Zoning along the West Street frontage is "LC" Limited Commercial and "GC" General Commercial, and the properties along the West Street frontage are developed with commercial uses. The proposed used car lot is consistent with the commercial zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. A portion of the property has a Use Exception to permit a car sales lot and is developed as such. The remainder property is developed with vacant commercial space and is apparently suitable for the commercial uses to which it has been restricted. Outdoor vehicle and equipment sales uses may be permitted in the "LC" district with a Conditional Use and should be guided to areas, such as the location of the subject property, where similar uses exist.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The screening, lighting, and compatibility standards of the Unified Zoning Code; the landscaped street yard and buffer requirements of the Landscape Ordinance; and the recommended conditions of approval should limit noise, lighting, and other activity from adversely impacting residential areas to the east and should ensure attractive and orderly redevelopment along a major community thoroughfare.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. This site is located along West Street, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts on surrounding residential areas. The Commercial Locational Guidelines also recommend that auto sales lots should be guided to areas containing similar uses, and away from neighborhood commercial areas. This site is located along West Street in an area where auto sales uses already exist.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities if the recommended additional street right-of-way and access controls are provided along West Street. Not providing the recommended additional street right-of-way and access controls will hinder the City's ability to provide a roadway that is of sufficient capacity to safely carry projected future traffic volumes.

KNEBEL, staff: Staff has agreed to some changes in the recommendation. Item #2, staff has agreed to allow the landscape street yard in the road right-of-way. Item #3, staff has agreed to allow the second access drive for deliveries only, and required it to be gated at other times. Item #7, regarding the condition to make the improvements within one year, staff is agreeable to phase in the improvements.

KAPLAN, agent: These conditions, as amended and revised, we agree to.

BARFIELD: In looking at vehicle rental and sales, what is it about this that makes it so appealing?

KROUT: Staff feels there are differences between the uses located north of Central and those uses located south of Central. There is more intense zoning located south of Central than there is north of Central.

BARFIELD: The congestion of traffic on this intersection?

KROUT: A car lot is not a high generator of traffic.

MOTION: Approve subject to staff comments, as modified.

HENTZEN moved, **COULTER** seconded the motion, and it carried 12-1. (Barfield).

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8. **ZON2002-00002** – Jack Ritchie, Kevin M. Mullen, George E. Laham, II, & Ritchie Development Corporation c/o Rob Ramseyer (owner/applicants); Baughman Company, P.A., c/o Phil Meyer (agent) requests Zone Change from "SF-5" Single-Family Residential to "MF-18" Multi-Family Residential on property described as:

A tract of land in the Southeast Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the Northeast corner of Lot 1, Block A, Church of the Magdalen Addition, Wichita, Sedgwick County, Kansas; thence South 89 degrees 13'23" West along the North line of said Church of the Magdalen Addition, and as extended Westerly, 1286.29 feet to a point on the East line of Lot 1, Block A, Messiah Baptist Church 4th Addition, Sedgwick County, Kansas; thence North 00 degrees 35'35" West along the East line of said Messiah Baptist Church 4th Addition, and as extended Northerly, 570.00 feet; thence North 89 degrees 13'23" East parallel with the North line of said Church of the Magdalen Addition, 590.89 feet; thence South 00 degrees 37'59" East parallel with the East line of said Southeast Quarter, 190.00 feet; thence North 89 degrees 13'23" East parallel with the North line of said Church of the Magdalen Addition, 745.00 feet to a point on the East line of said Southeast Quarter; thence South 00 degrees 37'59" East along the East line of said Southeast Quarter, 380.00 feet to the intersection with the North line of said Church of the Magdalen Addition, as extended Easterly; thence South 89 degrees 13'23" West along the extended North line of said Church of the Magdalen Addition, 50.00 feet to the point of beginning, all being subject to road rights -of-way of record. Generally located One-quarter mile north of 21st Street North on the west side of 127th Street East.

BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "MF-18" Multi-Family Residential on a 14.23 acre unplatted tract located one-quarter mile north of 21st Street North on the west side of 127th Street East. The applicant proposes to develop the property with an unspecified multi-family use.

The surrounding area is on the fringe of the developing urban area for Wichita, with much of the land in the area still used for agriculture. The properties to the south and west are developing with institutional uses on properties zoned "SF-5" Single-Family Residential. The property to the north is zoned "SF-5" Single Family Residential and is used for agriculture; however, the property to the north is platted for single-family development. The property to the east is zoned "SF-20" Single-Family Residential and is used for agriculture; however, the property to the east has been approved for "MF-18" Multi-Family and "LC" Limited Commercial zoning pending platting.

CASE HISTORY: The site is unplatted. A portion of the subject property was approved (SCZ-0776) for "MF-18" Multi-Family zoning on December 30, 1998; however, the applicant elected not to complete the rezoning at that time since a portion of the property was sold for the relocation of the Magdalen church and school.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Agriculture
SOUTH: "SF-5" Church, school
EAST: "SF-20" Agriculture
WEST: "SF-5" Church

PUBLIC SERVICES: The site has access to 127th Street East, an unimproved section line road. Traffic volumes for 127th Street East are not available. The site is not currently served with public water or sewer. Prior to development of the site with multi-family uses, 127th Street East will need to be paved and public water and sewer service will need to be extended to the site. The necessary public improvements can be addressed as part of the platting process. Additionally, access and traffic issues on 127th Street East will need to be addressed at platting, including aligning access with the property across the street and determining the need for any additional turn lanes.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Medium Density Residential" development. The Medium Density Residential category includes semi-detached dwelling units such as duplexes and townhomes at a density of up to 6 to 10 units per acre. The Locational Guidelines indicate that medium-density residential uses should be located within walking distance of commercial centers, parks, schools, and public transportation routes and in close proximity to concentrations of employment, major thoroughfares, and utility trunk lines. The Locational Guidelines also indicate that medium-density residential uses should be located where they will not overload or create congestion in existing and planned community facilities and utilities.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is on the fringe of the developing urban area for Wichita, with much of the land in the area still used for agriculture. Properties to the south and west are currently developed with large institutional uses: churches and schools. Other properties in the area have been approved for more intensive development, including approval for single-family uses to the north and multi-family and residential uses to the east. The proposed "MF-18" Multi-Family zoning is consistent with the planned zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "SF-5" Single-Family Residential, which accommodates moderate-density, single-family residential development and complementary land uses. The site could be developed with such uses; however, the development of large institutional uses to the south and west and the planned development of multi-family and commercial uses to the east indicate that the site is suitable for higher intensity residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the lower intensity residential area to the north.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Medium Density Residential" development. Although the proposed "MF-18" Multi-Family zoning permits residential densities greater than the 610 units per acre identified with medium density residential uses, the site meets many of the Locational Guidelines for medium density residential uses, such as being within walking distance of schools and commercial centers and being within close proximity to centers of employment and a major thoroughfare.
5. Impact of the proposed development on community facilities: The necessary public improvements to address community facility needs will be addressed as part of the platting process.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **WARNER** seconded the motion, and it carried unanimously (12-0).

- 9a. **ZON2002-00003 (CUP2002-00002 – DP258)** – Marksland, LLC, c/o Mike Marks (owner); Flatcoat, LLC, (contract purchaser); Kaplan, McMillan and Harris, c/o Robert W. Kaplan (agent) request a Zone Change from “SF-5” Single-Family Residential to “GC” General Commercial; and
- 9b. **CUP2002-00002 – DP258 (ZON2002-00003)** – Marksland, LLC, c/o Mike Marks (owner); Flatcoat, LLC, (contract purchaser); Kaplan, McMillan and Harris, c/o Robert W. Kaplan (agent) request creation of DP-258 Flatcoat III Community Unit Plan on property described as:

A tract of land in the Northwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at a point on the South line 114.6 feet West of the Southeast corner of said Quarter Section, said point being on the Northerly right of way line of the proposed highway; First Course, thence West along said Southline 999.8 feet; Second Course, thence Westerly and Northwesterly along a curve of the Northerly right of way line of the proposed highway 837.9 feet; Third Course, thence Northwesterly along said right of way line 1024.5 feet; Fourth Course, thence North 39.0 feet, more or less, to the Southerly right of way line of the Protection Drainage District; Fifth Course, thence Southeasterly along said Drainage District right of way line to the place of beginning. Generally located North of I-235 and east of West Street.

BACKGROUND: The applicant is requesting the creation of DP-258 Flatcoat III Community Unit Plan for a very large self-service storage warehouse development on an 18.53 acre tract. The request was originally filed for “GC” General Commercial zoning, but has been changed to a request for “LC” Limited Commercial.

The application area is located on the northeast corner of the I-235/West Street interchange. Access is proposed from Calvert Street, a local residential street bordering the north of the application area. The Protection Drainage Ditch separates the site from Calvert Street. This is a major drainage ditch extending several miles along the northern side of I-235 and eventually connecting with the Big Ditch. The area to the north is a single-family residential neighborhood with homes built in the 1960s and 1970s and is generally well maintained. Many of these homes have exteriors of wood and brick with gable roofs.

The site is bounded on the south by I-235. Two large tracts are located to the east/northeast. These are Cleaveland Traditional Magnet School and the YMCA South Branch. Industrial and commercial uses are located to the west of West Street.

The applicant submitted a site plan and an architectural rendering for the proposed self-service storage warehouse development. The site plan shows 19 mini-storage buildings on the interior of the site plus over 1/3-mile long continuous building on the exterior on the north. This north wall is visually articulated on an irregular basis with building wall insets and vertical columns with fieldstone applied to the columns. Along the south line, there is a one-half mile long continuous non-articulated building. An office/residence is located near the west entry. The site plan shows a maximum of 280,450 square feet of building coverage and a maximum building height of 18 feet. The backs of the storage units form the exterior walls and have no overhead doors. Proposed building materials are tan metal panel walls with brown trim and brown pressed metal roofs with a low pitch.

Prototype landscaping is shown around the perimeter of the buildings on the rendering, and is specified as being at 1½ times that required by the Landscape Ordinance on the C.U.P. drawing. Lighting is per Unified Zoning Code with the additional restriction of all exterior lighting being attached to the buildings. Proposed signage restrictions are a ban on flashing, rotating or moving signs, portable signs, off-site signs, banners and pennants. Otherwise signage would be per code.

The proposed CUP meets the Conditional Use standards of Section III-D.6.y for self-service warehouses located in the “GO” General Office and “LC” Limited Commercial districts except in the two respects. First, the site is not contiguous with a less restrictive zoning district. It is contiguous only with right-of-way for I-235, West Street (for a short frontage of 39 feet), and the Protection Drainage Ditch. The zoning across the streets to the north and east is “SF-5” and to the west is “LI” Limited Industrial. Second, the site does not have direct access onto an arterial street (West Street); the access is located one block to the east via Calvert Street. The applicant’s original request for “GC” zoning was meant to avoid the need for a variance of these standards. However, the latest amendments to the Unified Zoning Code allow the appropriate governing body to waive or modify these standards as a part of the Conditional Use (or in this case C.U.P.) review/approval.

District IV Advisory Board will be considering this application at its meeting to be held on March 6th.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: “SF-5”	Single-family residences
SOUTH: I-235 Right-of-Way; “LI”; “SF-20”; “SF-5”	Highway, industrial, vacant
EAST: “SF-5”	School, YMCA
WEST: “LI”	Industrial, commercial

PUBLIC SERVICES: As previously stated, one access is shown via Calvert to West Street. An emergency access is shown opposite All Hallows Avenue. Traffic counts for West and I-235 were estimated at 11,900 ADTs in 1997s and projected to increase to 15,000 ADTs for 2030. Calvert Street has an unpaved segment located between Knight Avenue and Leonine Road. Otherwise Calvert is paved to a residential standard.

Normal public services are available.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the general location as appropriate for “low-density residential” development. The Area Treatment Classification Map identifies the

general location as part of the "conservation" area, which would be an area that is basically sound but needs to be protected from future structural and market value decline of residential structures.

Residential Objective II.B of the 1999 Update seeks to "minimize the detrimental impacts of higher intensity land uses and transportation facilities located near residential living environments" through **Strategy II.B.4** that recommends plan review "to ensure that building placement and height, circulation, signage, screening and lighting for non-residential land uses do not adversely impact residential areas".

Objective X.E seeks to "improve the visual appearance of Wichita and Sedgwick County" through the recommendation of **Strategy X.E1** to "prepare detailed design and improvement plans to enhance the visual appearance of key nodal points, special resource or opportunity areas, and major travel corridors in the community, as initially identified on the Visual Form Map". The I-235 corridor is identified as one of the visual corridors (page 68 of *The Wichita-Sedgwick County Comprehensive Plan*). On page 70, it talks about the important role that design review can play in providing "appropriate screening and landscaping" and "in some cases, such as to assist in the harmonious integration of multifamily development near low-density neighborhoods, consideration should be given to review of building forms and materials".

The Unified Zone Code also contains development standards for self-service storage warehouses located in the "GO" and "LC" districts. These standards represent policy for appropriate design of mini-storage warehouses when in close proximity to residential neighborhoods.

RECOMMENDATION:

The scale of the proposed development is very large in comparison to other similar developments and out of character with the single-family development to the north. A survey of 25 other local mini-storage facilities showed the size range to be from 1.77 acres to 7.41 acres, with the mean (average) size of 3.34 acres and the most common size around three acres. This request is for 18.67 acres, which is nearly three times the size of any of the other 25 storage facilities evaluated and six times as large as the average facility.

The freeway frontage, particularly the western portion of the site near the interchange, reduces the desirability of the land for single-family residences. However, a single family or "cluster" development with 40 to 50 units could potentially be developed on the eastern two-thirds of the site.

Another consideration in this decision should be traffic impact. The traditional use of Calvert as a residential collector and the proximity of the Calvert/West Street interchange should dictate that any additional traffic generation be minimized. Self-storage warehouse uses generate traffic that is roughly equivalent to single-family developments, so the proposed use meets that need.

Based on these considerations, planning staff recommends (1) that the project be redesigned to have an appearance in scale comparable to other warehouse developments and the scale of residential development, (2) that the site be developed in conformance with the development standards in the Unified Zoning Code for self-service storage warehouses in the "GO" and "LC" districts (Article III, Section III-D.6.y) except for the access and contiguous zoning standards, and (3) that the underlying zoning be limited to "LC" Limited Commercial, and (4) that the design elements be refined to be more in character with the surrounding residential uses.

In addition, it is recommended that other residential uses at a maximum density of 6 units per acre be retained as permitted uses for the C.U.P. This builds in some flexibility that should the developer decide that it was not feasible to use the entire site in this manner, the property could be developed residentially. In particular, a clustering of homes along a cul-de-sac off Calvert, coupled with a strong landscape buffer along the southern boundary would offer a potential alternate use that is compatible with the nearby residences and is benefited by proximity to the elementary school.

Based upon these recommendations and the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- C. APPROVE the zone change (ZON2002-00003) to "LC" Limited Commercial, subject to platting of the entire property within one year.
- D. APPROVE the Community Unit Plan (DP-258), subject to the following conditions:
 - 1. A general provision shall be added to state: "The C.U.P. shall comply with all requirements of Article III, Section III-6.D.y(3) through (19)."
 - 2. A general provision shall be added to state: "No outdoor storage of vehicles, equipment or supplies shall be permitted."
 - 3. Access points shall be as shown on the C.U.P. drawing with one full access point across from Calvert Court and one emergency access to the east.
 - 4. Improvements to Calvert and/or West Street will be determined at the time of platting.
 - 5. General Provision 5 shall eliminate all building signs on the north or east elevation of the property. Building signs shall be permitted on the south and west elevations; said building signs shall not exceed a total of 50 square feet, and use individual letters.
 - 6. The site plan shall be revised prior to submission to the City Council to reflect the scale of the single-family neighborhood to the north by breaking the site into several component areas. The component areas would reflect the rhythm of the residential street pattern by massing buildings that fall between the intersection points of the streets to the north. Each

mass or grouping of buildings would incorporate exterior walls and landscaping for screening the site. The use of wrought iron fencing and evergreen screening would be utilized to reduce the visual mass to the scale of the neighborhood street pattern. The size of each grouping of buildings would be approximately 3.5 to 4.5 acres, typical of the scale of the majority of mini-storage warehouses in Wichita.

7. General Provision 11(A) shall be clarified to state that the landscape plan shall provide a landscaped street yard along all property lines at a rate equivalent of a minimum of 1½ times that required by the Landscape Ordinance for sites with an average depth exceeding 375 feet, and shall include a minimum of one-third evergreen material. General Provision 11(C) shall add "a combination of trees and shrubs of varying heights shall be used to reduce the monotonous appearance of the exterior walls."
8. General Provision 13 shall eliminate the use metal building panels as an exterior building material, and incorporate residential type materials typical to the neighborhood including brick, stone, masonry, stucco or synthetic stucco or wood. Roofs may be colored metal, and shall all be of a uniform gable style and color with a minimum 3:12 pitch.
9. The maximum length of buildings on exterior property lines shall be 200 feet; building articulation shall be encouraged and have a regular rhythm similar to the scale of the adjacent neighborhood.
10. During any construction phase, landscaping and screening shall be provided for any exposed interior building walls.
11. A General Provision shall be added that reads, "Outdoor speakers and sound amplification systems shall not be permitted on the site."
12. The development of this property shall proceed in accordance with the development plan and building elevations as recommended for approval by the Planning Commission and approved by the Governing Body. Any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
13. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
14. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
15. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
16. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-258) includes special conditions for development on this property.
17. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is predominately developed with single-family residential uses. The most directly impacted properties by the proposed development are single-family homes located north of the site. Cleaveland Traditional Magnet School is located to the northeast and a large recreation site with the YMCA is located on the next tract to the east. South and west of the subject area is the I-235 and West Street interchange. There are commercial/industrial uses beyond that to the west.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed in its current zoning of "SF-5", or with a clustered and/or more traditional single-family development, except for the western portion closest to the I-235/West Street interchange area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effects on properties from lighting, noise, and other factors should be mitigated by the requirements of the Unified Zoning Code and the Landscape Ordinance and the recommended conditions of approval for the C.U.P. The intended use is a low traffic generator with a manager that resides on the premises. The main problem is the scale. Unless the scale of the development is reduced, as proposed, the size of the development with on-half mile long continuous buildings greatly exceeds typical mini-storage facilities in proximity to residential neighborhoods as well as typical projects in other areas of Wichita.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Low-Density Residential" rather than commercial. This makes site design, visual corridor and scale considerations critical for the development to follow the policy guidelines for non-residential development when located near residential areas or along visual corridors.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities; street improvement needs will be reviewed at the time of platting.

GOLTRY, staff: Presented the staff report and slides. She indicated they were not in disagreement with the proposed use or zoning, but they were still far away apart from agreement on layout and design issues. I went and looked at many mini-storage developments. We have met with the agent and the applicant, but we need more time. This case is going to DAB in two weeks. We feel we need a deferral.

JOHNSON: When we get a packet on Monday and you are in support of it, what has changed?

KROUT: We have talked to the applicant and have a concern with the materials and appearance.

JOHNSON: You want a site plan and elevations?

KROUT: There needs to be more effort at getting site plans and elevations of what it is going to look like when it is done. It needs more professional attention.

BARFIELD: When I looked at those slides, we don't have a policy on storage units. We take them case-by-case. Some of them don't have any screen at all.

KROUT: Landscaping is installed at Kellogg/Hillside but will require some time to grow in.

BARFIELD: No outside storage of vehicles. What about rental trucks?

KROUT: That is not a permitted use in the proposed CUP.

BARFIELD: What about a policy for storage units.

MICHAELIS: You think we need a deferral from staff.

KAPLAN: I would like to answer Mr. Barfield, and a lot of that is governed by the ordinance. Basically, what our difference is, staff wants pretty and we want profitable. Materials, roof pitch and grouping of buildings are at issue. The rest of it we are pretty much in agreement. We were going to approve the land use subject to agreement on Conditions 6 and 8, and give us time between now and City Council to get to that agreement. I don't know why DAB always comes out after MAPC so I don't see a reason for deferral. I want to go back to LC and not change to GC. Approve LC zoning subject to the architectural details, and site plan.

KROUT: Our preference is for MAPC to get the benefit of seeing it after it is drawn on the site plan and to have the benefit of comments from the DAB meeting.

MOTION: Defer until March 7, 2002.

BISHOP moved, **GAROFALO** seconded the motion.

HENTZEN: Elizabeth, slow down on your motions. I have a question. That unit on Hillside and Kellogg. If I remember correctly, who owns that property now?

GOLTRY: Marksland, LLC owns the subject property.

HENTZEN: We were getting about \$3,000 a year because some of it was owned by the City. Is this land on the tax roll and if it is, what kind of money is it bringing into the City coffers?

GOLTRY: We can tell you that, (ownership of the other property) but I don't know without checking.

HENTZEN: I am of the opinion that when it does use some of the attributes there are tax issues. But, if we defer it, I will be asking the applicant about what you expect to spend and what you expect the taxes to be.

SUBSTITUTE MOTION: Approve "LC" Limited Commercial zoning, but defer consideration of the CUP until March 7, 2002.

WARREN moved, **ANDERSON** seconded the motion, and it carried 10-2. (**BISHOP, GAROFALO**)

10. DR2000-12 – Public Hearing For the adoption of South Wichita-Haysville Area Plan

ANN MERRIT: Spoke in support of the plan and encouraged the MAPC to adopt it so that it can set priorities for infrastructure improvements.

KROUT: Ann Merritt has been very active and if this plan has passed through her sieve, you can bet it has been well considered.

HENTZEN: I support the plan and will vote for it.

MOTION: Adopt the plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

GAROFALO moved, **ANDERSON** seconded the motion, and it carried unanimously (12-0).

11. DR2000-18 – Public Hearing For the adoption of Oaklawn/Sunview Neighborhood Revitalization Plan

MARAV MAXWELL, COMMUNITY HOUSING SERVICES: We are in support of the plan. A letter supporting the plan was read which recommended approval this plan.

DWIGHT RITTER, Oaklawn Improvement District: We are in support of the plan as well, and we have given out monies and we feel like we have gotten our money's worth.

MOTION: Adopt the plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

BARFIELD moved, **BLAKE** seconded the motion, and it carried unanimously (12-0).

12. DR2002-05 – The City of Mt. Hope Seeks The Annexation of Property Located Adjacent To The City of Mt. Hope

HARKINS, staff: Indicated staff was recommending approval.

MOTION: Accept the annexation as consistent with adopted the plan.

HENTZEN moved, **JOHNSON** seconded the motion, and it carried unanimously (12-0).

13. Review of 2001 MAPC Annual Report -

KROUT: We just want to entertain any changes or comments before we present the report to the City Council.

ANDERSON: Does City Council read this?

KROUT: You would have to ask them.

ANDERSON: I feel like this is our opportunity to communicate with them.

BISHOP: I may be missing this, but is there any mention of the work on the Access Management Policy?

KROUT: It is on the last page. I will plan to send this report to the governing bodies in advance of the retreat.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **WARREN** seconded the motion, and it carried unanimously (12-0).

MICHAELIS: Reminded Commissioners of the upcoming retreat, and wants them to contact their appointers to be at this retreat.

WARREN: I was surprised that this was a public meeting. He thought it was going to be more informal.

KROUT: Indicated that they had identified one hour towards the end of the day that was unscheduled, and he suggested they take off the rural platting and Policy 5 items and do a revised agenda.

JOHNSON: Indicated he really liked the last retreat, and it really helps to build togetherness as a group.

The Metropolitan Area Planning Department informally adjourned at 3:00 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)